

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

LUZ I. CARABALLO-CORDERO, et. al. *

Plaintiffs *

v. *

BANCO FINANCIERO DE PUERTO RICO, et. al. *

Defendants *

Civil No. 98-1837(SEC)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

Pending before this Court is defendant José D. Jiménez-López's "Motion to Request Dismissal for Lack of Service". (**Docket #39**). The same stands unopposed on the record. After a review of the same the Court finds that defendant's essential claim is that he was never properly served with process pursuant to Fed.R.Civ.P. 4. Allegedly, a copy of the complaint was left with a secretary at Day and RG Collection Agency. This is a collection agency that hired him as an independent contractor. He was not personally served with process, nor was a copy of the complaint left at his usual place of abode. See Docket #6.

The Federal Rules of Civil Procedure provide that service of process may be effected:

(1) pursuant to the law of the state in which the district court is located...; or (2) by delivering a copy of the summons and of the complaint to the individual personally[;] or by leaving copies thereof at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein[;] or by delivering a copy of the summons and of the complaint to an agent authorized by appointment or by law to receive service of process.

Fed.R.Civ.P. 4(e). In turn, the Puerto Rico Rules of Civil Procedure (P.R.R.Civ.P.) only contemplate personal service of process or through an agent authorized for that purpose, or through an agent

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42
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Civil No. 98-1837(SEC)

2

appointed by law to receive service of process. P.R.R.Civ.P. 4.4(a); P.R. Laws Ann., tit. 32, App. III, R. 4.4(a) (1983, 1997 Cum. Suppl.). Accordingly, the Court finds that Plaintiff failed to serve process upon defendant José D. Jiménez-López pursuant to any of the above cited legal provisions. Accordingly, defendant José D. Jiménez-López's motion to dismiss for lack of personal jurisdiction, (Docket #39), is hereby **GRANTED**. Judgment shall be entered accordingly.

SO ORDERED.

In San Juan, Puerto Rico, this 30 day of June, 2000.


SALVADOR E. CASELLAS
United States District Judge